# North and North-Western Limits

EXTRACT

FROM THE

JOURNALS OF THE LEGISLATIVE ASSEMBLY

OF THE

PROVINCE OF QUEBEC

1886
(94)

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LEGISLATIVE ASSEMBLY,

Quebec, 14th June, 1886.

Second Report of the Select Committee appointed " to consider the question " of the Northern and North Western limits of the Province of Quebec," and the necessary measures to be taken in order that such limits do include the Territories to which it is entitled, by establishing and defining such rights.

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Your Committee respectfully submits to Your Honourable House the following Report :

With the view of finding out and defining these limits, it has carefully studied all the Acts of the Imperial Parliament concerning the same and especially the Act of 1774, intitaled the " Quebec Act," the Act of 1790, 31 George III, chap. 31, and the " British North America Act " of 1867.

The British North America Act of 1867, 30-31 Victoria, chap. 3, to which we owe our present political existence, assigns the following limits to the different Provinces, respectively :

Sec. 5.—" Canada shall be divided into four Provinces, named Ontario, " Quebec, Nova Scotia and New Brunswick."

Sec. 6.—" The parts of the Province of Canada, (as it exists at the passing of " this Act) which formerly constituted respectively the Provinces of Upper and " Lower Canada shall be deemed to be severed, and shall form two separate pro- " vinces. The part which formerly constituted the Province of Upper Canada " shall constitute the Province of Ontario, and the part which formerly consti- " tuted the Province of Lower Canada shall constitute the Province of Quebec."

The Statute which precedes the British North America Act of 1867, and which is referred to in the above mentioned section, is the Union Act of 1840, 3 and 4 Victoria, chap. 35.

The first section thereof merely states that after the proclamation to be issued within fifteen months following the passing of the Act, the two provinces respectively called Upper and Lower Canada, will form and constitute but one and the same province under the name of the " Province of Canada."

Now the organization of these two Provinces of Upper and Lower Canada had been decreed by the act of 1791, 31 George III, chap 31, intituled: "An Act to repeal certain parts of an act passed in the fourteenth year of His Majesty's Reign, intituled: "An Act for making more effectual provision for the Government of the Province of Quebec, in North America; and to make further provision for the Government of the said Province." The same Statute adds:

"And whereas, by reason of the distance of the said Provinces from this Country and of the change to be made by this Act in the Government thereof, it may be necessary that there should be some interval of time between the notification of this act to the said Provinces respectively, and the day of its commencement within the said Provinces respectively"; Be it therefore enacted by the authority aforesaid, that it shall and may be lawful for His Majesty, with the advice of His Privy Council, to fix and declare, or to authorize the Governor or Lieutenant-Governor of the Province of Quebec or the person administering the Government there, to fix and declare the day of the commencement of this Act within the said Provinces respectively, provided that such day shall not be later than the thirty-first day of December, in the year of Our Lord, one thousand seven hundred and ninety-one."

The proclamation provided for and sanctioned by the act quoted above, was consequently issued in November 1791, in the following terms:

## PROCLAMATION OF NOVEMBER 1791

DECLARING WHEN THE CONSTITUTIONAL ACT SHALL HAVE EFFECT IN THE PROVINCES OF UPPER AND LOWER CANADA.

ALURED CLARK:

*GEORGE THE THIRD, by the Grace of* GOD, *of Great Britain, France and Ireland,* KING, *Defender of the Faith, and so forth.*

To all Our loving subjects whom these presents may concern—

GREETING:

"Whereas we have thought fit, by and with the advice of Our Privy Council, by Our Order-in-Council, dated in the month of August last, to order that Our Province of Quebec should be divided into two distinct Provinces, to be called the Province of Upper and the Province of Lower Canada, by separating the said two Provinces according to the following line of division, viz: To commence at a stone boundary on the North bank of the Lake St. Francis, at the Cove West of the Pointe-au Bodet, in the limit between the Township of Lancaster and the Seigneurie of New Longueil, running along the said limit in the direction of North thirty-four degrees West to the westernmost angle of the said Seigneurie of New Longueil; thence along the North-Western boundary of the Seigneurie of Vaudreuil, running North twenty-five degrees East, until it strikes the Ottawa River, to ascend the said River into the Lake Témiscamingue, and from the head of the said Lake by a line drawn due north until it strikes the boundary line of Hudson's Bay, including all the territory to the westward and southward of the said line to the utmost extent of the country commonly called or known by the name of Canada."

This Proclamation clearly determines the boundary line between the two Provinces, which it even prolongs as far as Hudson's Bay, but it contains no clear indication of the northern limits of the said Provinces. It is therefore neces-

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sary to go back to the act of 1774, called the Quebec Act, which extends their northern limits to the southern boundary of the territory granted to the Merchant Adventurers of England, trading at Hudson's Bay.

This Act reads as follows :

## THE QUEBEC ACT OF 1774.

An act for making more effectual Provision for the Government of the Province of Quebec in North America :

"Whereas, His Majesty, by his Royal Proclamation bearing date the Seventh day of October, in the third year of his Reign, thought fit to declare the Provisions which had been made in respect to certain Countries, Territories and Islands in America, ceded to His Majesty by the definitive Treaty of Peace, concluded at Paris on the tenth day of February, one thousand seven hundred and sixty-three : And Whereas, by the arrangements made by the said Royal Proclamation, a very large Extent of Country within which there were several Colonies and Settlements of the subjects of France who claimed to remain therein under the Faith of the said Treaty, was left without any Provision being made for the administration of Civil Government therein ; and certain parts of the Territory of Canada where Sedentary Fisheries had been established and carried on by the subjects of France, inhabitants of the said Province of Canada, under Grants and Concessions from the Government thereof, were annexed to the Government of Newfoundland, and thereby subjected to Regulations inconsistent with the nature of such Fisheries : May it therefore please Your Most Excellent Majesty, that it may be enacted and be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in the present Parliament assembled, and by the authority of the same ;

"That all the Territories, Islands and Countries in North America belonging to the Crown of Great Britain, bounded on the South by a line from the Bay of Chaleurs, along the High Lands which divide the Rivers that empty themselves into the River Saint Lawrence from those which fall into the Sea to a point in forty-five Degrees of Northern Latitude, on the Eastern Bank of the River Connecticut keeping the same Latitude directly West, through the Lake Champlain, until, in the same Latitude, it meets the River St. Lawrence ; from thence, up the Eastern Bank of the said River to the Lake Ontario, thence, through the Lake Ontario and the River commonly called Niagara ; and thence along by the Eastern and South-Eastern Bank of Lake Erie, following the said Bank, until the same shall be intersected by the Northern Boundary, granted by the Charter of the Province of Pennsylvania, in case the same shall be so intersected ; and from thence along the said Northern and Western Boundaries of the said Province, until the said Western Boundary strike the Ohio ; but in case the said Bank of the said Lake shall not be found to be so intersected, then following the said Bank until it shall arrive at that point of the said Bank which shall be nearest to the North-Western Angle of the said Province of Pennsylvania, and thence by a right Line, to the said North-Western Angle of the said Province ; and thence along the Western Boundary of the said Province, until it strikes the River Ohio ; and along the Bank of the said River, Westward to the Banks of the Mississipi, and Northward to the Southern Boundary of the Territory granted to the Merchants Adventurers of England, trading to Hudson's Bay ; and also all such Territories, Islands and Countries which have, since the tenth of February, one thousand seven hundred and sixty-three, been made part of the Government of New-Foundland, be, and they are hereby, during His Majesty's Pleasure, annexed to, and made Part and Parcel of the Province of Quebec, as created and established by the said Royal Proclamation of the seventh of October, one thousand seven hundred and sixty-three."

This description in the Statute of 1774 is corroborated by all the diplomatic documents and more particularly by the instructions addressed to the Governors. Thus in the commissions addressed to Sir Guy Carleton on the 27th December, 1774, and in those addressed to the same Governor bearing date the 22nd April, 1777, the northern limit of the Province of Quebec, is declared to be the southern boundary of the territory ceded to the Merchant Adventurers of England trading at Hudson's Bay. In all the other Commissions addressed later on to the different Governors, and especially to the Right Honourable Charles Paulett Thompson on the 6th September, 1839, it is declared that the line separating the two Provinces of Upper and Lower Canada extends towards the North until it reaches the shores of Hudson's Bay.

Does it follow, that the Northern limits of the Province of Quebec should include all the territory situate in the same latitude as the said shores and that the concessions to the Hudson's Bay Company have never extended further to the East and to the South than those shores? This is what one may infer from the judgment which the Privy Council was called upon to give concerning the boundary line between Manitoba and Ontario; since, by adhering to the Proclamation of Sir Alured Clarke, dated in 1791 and authorized by the Statute of the year 1791, 31 Geo. III, Chap. 31, their Lordships declared that, as the dividing line between the two Provinces of Upper and Lower Canada extended to Hudson's Bay, the same should apply to the Western line and the latter should extend as far as Hudson's Bay. If therefore the judgment of the Privy Council be accepted in its entirety, our Province would be bounded on the West by the Seigniories of New Longueuil and Vaudreuil as far as the River Ottawa, by the River Ottawa as far as Lake Temiscamingue, thence by a line drawn due North as far as Hudson's Bay; on the North and West by the said Bay, Hudson's Straits and Labrador, on the East by the said Labrador and the Gulf of St. Lawrence.

Indeed it is quite obvious that if the Province of Ontario does not stay its course to the North at the Height of land or water-shed between the St. Lawrence and Hudson's Bay, and this under the laws referring to the old Province of Quebec now divided in two, we have the right to go beyond the same line. Whilst the Province of Ontario is admitted to extend as far as James Bay, it would be both anomalous and unfair to insist in bounding this Province half-way, since the division line between the two Provinces is the line which should determine its Western limits.

In fact, for two centuries the Imperial Parliament, the Legislatures, various Governments and the Press are engaged in the most serious and important discussions on this topic, and yet never have the Northern limits of the present Province of Quebec been clearly defined, because the territory of the Hudson Bay Company itself which bounded the same has never been properly described by the Imperial Statutes.

The Statute of 1821 which should have cleared up the question, concedes to the Hudson Bay Company the Indian territories not then belonging either to the Company or to the Provinces of Upper and Lower Canada, the boundary question being still undecided and unknown. Thus it will be noticed that the difficulty arises from the absence of any official document declaring the Hudson Bay Charter valid as regards the disputed territories North of the Height of Land or water-shed.

It is true this difficulty no longer exists, since the rights of the Company are extinct and the Federal Government, holding possession of the territory, would be free to dispose of the same as it might deem consistent with the rights of the interested parties.

But it is more advisable for the Province to abide by the Imperial Statutes cited above, and which throw sufficient light on our rights to force their recognition on the authorities who have to decide upon them.

The Eastern boundary of the old Province of Quebec, that is to say the boundary adjoining Labrador, was settled first by the proclamation of the 7th October, 1763, which contains the following paragraph :

"The Government of Quebec, bounded on the Labrador Coast by the River St. John, and from thence by a line drawn from the head of that river, through the Lake St. John to the south end of the Lake Nepissin ; from whence the said line, crossing the River St. Lawrence and the Lake Champlain, in forty-five degrees of north lattitude passes along the islands which divide the rivers that empty themselves into the said River St. Lawrence, from those which fall into the sea, and also along the north coast of the Baie des Chaleurs, and the coast of the Gulf of St. Laurence to Cape Rosières and from thence crossing the mouth of the River St. Lawrence by the West end of the Island of Anticosti terminates at the aforesaid River St. John."

By the Statute of 1774, intituled : "An Act for making more effectual Provision for the Government of the Province of Quebec in North America," the Province of Quebec included all the Labrador territory abovementioned, as well as the Magdalen and Anticosti Islands.

The Act of the British Parliament passed in 1809, intituled : "An Act for establishing Courts of Judicature in the Island of Newfoundland and the Islands adjacent ; and for re-annexing part of the Coast of Labrador and the Islands being on the said Coast to the Government of Newfoundland," contains the following clause :

Part of the Coast of Labrador and the Islands lying on the said Coast re-annexed to the Government of Newfoundland.

"XIV. And Whereas His Majesty, by his Proclamation of the Seventh day of October, one thousand seven hundred and sixty-three, was pleased to declare that he had put the Coast of *Labrador*, from the River St. John to *Hudson's Straits*, with the Islands of *Anticosti* and *Madeleine*, and all other smaller Islands lying on the said Coast, under the care and inspection of the Government of *Newfoundland ;* And Whereas, by an act passed in the fourteenth year of the reign of His present Majesty, intituled : "*An Act for making more effectual Provision for the Government of the Province of Quebec in North America*," and all such Territories and Islands and Countries, as since the tenth day [illegible] ary, one thousand seven hundred and sixty-three, had been made part [illegible] ernment of Newfoundland, were, during His Majesty's pleasure, and [illegible] made part of the Province of Quebec, as created by the said Proclam[illegible] Whereas, in pursuance of an act passed in the thirty-first year of His [illegible] 's Reign, intituled : "An Act to repeal certain parts of an Act passe[illegible] urteenth year of His Majesty's Reign, intituled : 'An Act for making more [illegible] l Provision for the Government of the Province of Quebec in North America, and to make further Provision for the Government of the said province," the said Province of Quebec was divided into two Provinces of Upper and Lower Canada, this latter including the parts of the Coast of Labrador and the said Islands so formerly annexed to the Government of Newfoundland ; And Whereas it is expedient that the said Coast of Labrador and the adjacent Islands (except the Islands of Madeleine), should be re-annexed to the Government of Newfoundland ; Be it therefore enacted, That such parts of the Coast of Labrador, from the *River St. John* to *Hudson's Straits*, and the said Island of *Anticosti* and all other smaller Islands so annexed to the Government of Newfoundland by the said Proclamation of the seventh day of October, one thousand seven hundred and sixty-three (except the said Islands of *Madeleine*), shall be separated from the said Government of Lower Canada, and be again re-annexed to the Government of *Newfoundland*, anything in the said act passed in the thirty-first year of His present Majesty's Reign or any other act to the contrary, notwithstanding."

Finally, the last Statute which settles the question of the Labrador boundaries, intituled : "An Act to provide for the extinction of Feudal and Seignioral Rights

and Burthens on Lands held *à titre de Fief* and *à titre de Cens*, in the Province of Lower Canada; and for the gradual Conversion of those Tenures into the Tenure of Free and Common Soccage and for other purposes relating to the said Province." (6 George IV, chapter 59,) was passed in 1825; the following clause is found therein:

Geo. 3, c. 27
Geo. 4, c. 67.

"IX. And whereas under and by virtue of a certain Act passed in the Forty-ninth year of the Reign of His late Majesty King George the Third, intituled: "An Act for establishing Courts of Judicature in the Island of Newfoundland aud in the Islands adjacent; and for re-annexing Part of Labrador, and the Islands lying on the said Coast to the Government of New-Foundland, and of the Act passed in the Fifth Year of the Reign of His present Majesty, intituled: "An Act for the better Administration of Justice in Newfoundland, and for other purposes, the Coast of Labrador, from the River St. John to Hudson's Straits and the Island of Anticosti, and the Islands adjacent to the said Coast, except the Islands of Madelaine," are annexed to and form part of the Government of Newfoundland, and it is expedient that certain parts of the said Coast of Labrador should be re-annexed to and form part of the Province of Lower Canada; Be it therefore enacted, that so much of the said Coast as lies to the Westward of a line to be drawn due North and South from the Bay or Harbour of Anse Sablon inclusive as far as the Fifty-second degree of North Latitude, with the Island of Anticosti, and all other Islands adjacent to such Part as last aforesaid, of the Coast of Labrador, shall be, and the same are hereby re-annexed to and made a part of the said Province of Lower Canada, and shall henceforward be subject to the Laws of the same Province, and to none other."

Certain parts of the Coast of Labrador and adjacent islands re-annexed to Lower Canada.

The first of these documents places the Eastern limit of the Province of Quebec at the River St. John, and the Northern limit between the 47th and 49th Parallels.

By the Statute of 1809 Labrador is declared to include all that part of the Coast of Labrador, from the River St. John to Hudson's Straits but there is no mention of the limit of the Province.

It will be observed that the said Statute declares that such is the boundary of Labrador, according to the Proclamation of 1763, although that conclusion is drawn by mere inference as nothing so formal is to be found in the text of that Proclamation.

The Statute of 1825 declares that the Labrador Coast begins at l'Anse au Blanc Sablon from thence following a line due north to the 52° degree of Latitude. Now the 52nd degree of Latitude strikes James Bay, at a very short distance on this side the of East Main River.—This Boundary would then be the Northern boundary of the Province.

It is all the more reasonable to arrive at this conclusion as it is absolutely consistent with the titles of occupancy of the French previous to the Cession of the country to England, in opposition to the pretentions and claims of the Hudson's Bay Company, and with the judgment of the Privy Council cited above, which places the North Eastern limit of the Province of Ontario at the mouth of the Albany River, close to the 52nd parallel.

But an easier settlement of the boundaries may be arrived at and the difficulties which invariably arise from an astronomical line might be obviated without affecting any interests involved by substituting, the right bank of the East Main River, and our Western, Northern and Eastern boundaries might be defined as follows: All the territory included Westward by prolonging the actual boundary line between Ontario and Quebec until it strikes the south shore of James' Bay following the shore line of the same Bay as far as the mouth of the East Main River; towards the North, by the right bank of the said river, from its mouth to its source; from that point, still going

towards the North, by a line striking the most northern waters of the great River Esquimaux, Ashuanipi or Hamilton, and thence along the left bank of the same River to its entrance into the Bay *du Rigolet* (Hamilton inlet); towards the East and the North-East, by the Meridian of the most Easterly point of the sources of the River St. Paul or Petit Esquimeau, and along the same river, towards the East, as far as the 52nd degree of North latitude, and following that parallel until it strikes the meridian of L'Anse au Blanc Sablon, the present admitted boundary of the Province of Quebec.

This would not to any great extent affect the territorial area to which we are entitled and of which we claim the definitive and indisputable possession, whilst it would greatly lessen the cost of settling the limits and the expenses of administration of that territory.

Consequently, Your Committee are of opinion that the Western, Northern and Eastern limits of the Province are and must be admitted, defined and determined, as follows:

All the territory included Westward by the actual extension of the present frontier line between Ontario and Quebec until it strikes the South bank of James Bay,—following the shore line of the same Bay as far as the mouth of the East Main River; towards the North, by the right shore of the said River, from its mouth to its source; from the point, still going towards the North, by a line striking the most Northern waters of the Great River Esquimaux, Ashuanipi or Hamilton, and along the left bank of the same River to its entrance into the Bay *du Rigolet* (Hamilton inlet): towards the East and the North-East, by the Meridian of the most Eastern point of the sources of the River St. Paul, or Petit Esquimaux and along the same River, towards the East as far as the 52° degree of North latitude and following that parallel until it strikes the Meridian of L'Anse au Blanc Sablon, the present admitted boundary of the Province of Quebec.

Wherefore, Your Committee recommends that this House do pass resolutions with a view of requesting the Federal Government to adopt or cause to be adopted such measures as will be deemed expedient to settle and determine in a definitive manner as belonging to and forming part of the Province of Quebec, all the territory included within the limits above mentioned.

Humbly submitted,

Ls. DUHAMEL,

*Chairman.*

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Quebec, 19th June, 1886.

On motion of the Honorable Mr. Blanchet, seconded by Mr. Duhamel,

Resolved. That this House doth concur in the Report of the Select Committee appointed to take into consideration the question of the North and North-western limits of the Province of Quebec, and the steps necessary to be taken in order that such limits do include the territories to which it is entitled.

On motion of the Honorable Mr. Blanchet, seconded by Mr. Duhamel.

Resolved, That whereas the North-western and Eastern portions of the Province of Quebec have never yet been determined throughout their whole extent in a clear, distinct and precise manner,

That this uncertainty especially as respects the northern portion of the frontier and with the absence of a boundary that is recognized and established beyond all doubt, is of a nature to create, in the future, serious embarrassment to the Government of this Province;

Whereas it is important in the interest of the Province to put an end to a state of things which is prejudicial alike to the development of the important resources of that part of the country, and to the administration of justice, the progress of colonization, the maintenance of order and peace, and to the security and guarantee of the rights of our citizens respecting private property in that region;

Resolved, That in the opinion of this House the Western, Northern and Eastern frontiers of the Province of Quebec are and should be fixed and determined as follows:

All the country included, towards the West, by the prolongation of the present boundary line between Ontario and Quebec until it touches the Southern shore of James' Bay, thence by the shore line of James' Bay to the mouth of the River East Maine, towards the North along the right bank of the said river from its mouth to its source; thence still towards the North by a line striking the most northern limits of the Great Esquimaux, Ashuanipi or Hamilton River and following the left bank of that river into Rigolet Bay,—Hamilton Inlet; towards the East and the North-East by the Meridian of the most Eastern point of the sources of the St. Paul or little Esquimaux River and along that river, towards the East to the 52nd degree of North latitude and following that parallel to the meridian of l'Anse au Blanc Sablon, the present recognized frontier of the Province of Quebec.

That an humble Address be presented to His Excellency the Governor-General of the Dominion, based on the present resolutions, praying him to adopt or to cause to be adopted the measures necessary to establish and determine in a definitive manner the Western, Northern and Eastern frontiers of the Province of Quebec, as set forth in these resolutions.

Resolved, That the said resolutions be referred to a Select Committee, composed of the Honorable Messrs. Lynch, Taillon, Beaubien, Mercier, Marchand, and of Messrs. Duhamel, Gagnon, Asselin, Faucher de Saint-Maurice, St-Hilaire and Boyer, to prepare and report the draft of an Address to His Excellency the Governor-General, praying him to adopt or to cause to be adopted the steps necessary to establish and determine in a definitive manner the Western, Northern and Eastern frontiers of the Province of Quebec, as set forth in the said resolutions.

The Honorable Mr. Blanchet Reported, from the said Committee, That they had drawn up an Address accordingly, and the same was read as followeth:

*To His Excellency the Right Honorable Henry Charles Keith Petty Fitzmaurice,*
*Marquis of Landsdowne, G. C. M. G., Governor-General*
*of Canada and Vice-Admiral of the same.*

MAY IT PLEASE YOUR EXCELLENCY.

The loyal subjects of Her Majesty of the Legislative Assembly for the Province of Quebec in Legislature assembled, deem it their duly humbly to represent:

That, in the opinion of this House, the Western, Northern and Eastern frontiers of the Province of Quebec are and should be established and determned as follows:

All the country included, towards the West, by the prolongation of the present boundary line between Ontario and Quebec until it touches the southern shore of James' Bay, thence by the shore line of St. James' Bay to the mouth of the river East Maine; towards the North along the right bank of the said river, from its mouth to its source; thence still towards the north by a line striking the most northern limits of the great Esquimaux, Ashuanipi or Hamilton river, and following the left bank of that river into Rigolet Bay,—Hamilton inlet; towards the east and

the north-east by the meridian of the most eastern point of the sources of the St. Paul or Little Esquimaux River, and along that river, towards the east, to the 52nd degree of north latitude and following that parallel, to the meridian of L'anse au Blanc Sablon, the present recognized frontiers of the Province of Quebec;

That, therefore, the Legislative Assembly of the Province of Quebec now approach Your Excellency to pray Your Excellency to be pleased to submit to Her Majesty's Privy Council for Canada the following humble petition, to wit:

That the said Honorable Privy Council adopt or cause to be adopted the measures necessary to establish and determine in a definitive manner, the Western, Northern and Eastern frontiers of the said Province of Quebec, as hereinabove set forth.

The said Address being read a second time was agreed to.

Ordered, That the said Address be engrossed,

Resolved, That an humble Address be presented to His Honor the Lieutenant Governor informing His Honor that this House has voted an Address to His Excellency the Governor General, respecting the petition of the Legislative Assembly to establish and determine in a definitive manner the said Western, Northern and Eastern frontiers of the said Province of Quebec and praying that His Honor will be pleased to transmit the same to His Excellency the Governor General.

Ordered, That the said Address be presented to His Honor the Lieutenant-Governor by such members of this House as are of the Honorable the Executive Council of this Province, and that they at the same time place in his hands the Address to His Excellency the Governor General.

Attest.

L. DELORME,
Clerk Legislative Assembly.